

Please Cancel Claim 11.

Please Amend Claim 1 as follows:

1. (Thrice Amended) A racket comprising:

a frame with a handle defining a longitudinal main axis;

a head connected to the handle;

said head having parallel longitudinal sides and parallel transversal sides, said sides being firmly connected together at their ends such that each of said sides are substantially inflexible in relation to each other;

said head having a racket face, to be spanned by strings;

said head having a means for securing each of the strings to the frame, such that each of the strings are separately and individually connected to the frame, wherein the tension and/or mass values of said longitudinal strings and said transversal strings are selected so that the vibrational frequencies of each of the strings are equal;

a plurality of transversal strings, all being of substantially identical length, running essentially parallel to each other and generally perpendicular to said longitudinal axis and secured to the frame; and

a plurality of longitudinal strings, all being of substantially identical length, running essentially parallel to each other and parallel to said longitudinal axis and secured to the frame, the transversal strings and longitudinal strings together covering the entire racket face.

REMARKS

35 U.S.C. §102(b) Rejection

The Office Action rejected claims 1, 2, 6, 11 and 13 as being unpatentable under 35 U.S.C. §102(b) as being anticipated by Melby, U.S. Patent No. 4,566,695 (hereinafter "Melby"). The Applicant respectfully traverses the rejection because Melby fails to teach or suggest all of the elements of independent claim 1, after the amendment as entered or as thrice amended.

Melby requires a racket with adjustable mounts consisting of threaded ends for engagement with a nut and two looped portions at the opposite end for engagement with the strings. See Melby, col. 2, lines 21-32. Specifically, Melby requires strings to be looped in pairs and connected in pairs to the frame. Structurally, Melby requires string "pairs" to be connected to facilitate the ultimate disclosed goal of facilitating replacement of a string loop or tightening of a string loop without disassembly of the entire frame. See Col. 1, lines 8-24.

In contrast, the present invention discloses a head "having a means for securing each of the strings to the frame, such that the each of the strings are separately and individually connected to the frame, wherein the tension and/or mass values of said longitudinal strings and said transversal strings are selected so that the vibrational frequencies of each of the strings are equal." See Claim 1, as amended. The amendments are fully supported by the specification and drawings and limitations from dependent claim 11 were incorporated into claim 1. The amendments were made to make more explicit that which was already implicit from the teachings in the specification and the drawings. Particularly, one of the teachings of the invention is to provide a racket with strings that all "vibrate with the same frequency" by "choosing the appropriate tension to mass ratio for the transversal strings 25 and for the longitudinal strings 20." See Spec., p. 8. To facilitate that teaching, structurally, the present invention requires that each string be separately and individually connected to the frame.

Therefore, Melby fails to teach the structural limitation of individual strings separately attached to the frame or the limitation of "tension and/or mass values of said longitudinal strings and said transversal strings are selected so that the vibrational frequencies of each of the strings are equal," as required in amended claim 1 of the present invention. Specifically, because the studs and screws in Melby hold the string loops instead of the method of the present invention wherein each individual string is indendently attached directly to the frame, the vibrational frequencies of the studs and screws will work to detune the frequencies of the strings, thereby preventing equal vibrational frequencies for each of the strings to allow optimal performance. Moreover,

because the strings are connected to the stud legs, the frequencies of vibration are determined by the vibrational properties of the stud legs and not directly with the strings. Therefore, Melby neither addresses the problem with vibrational frequencies nor presents a solution such as a method whereby vibrational frequencies may be chosen to be equal for all the strings by selecting tensions and/or mass densities for the transversal and longitudinal strings, as in the present invention. In conclusion, there can be no way to ensure equal vibrations from string to string in Melby because of the looped configuration.

Based on the foregoing, Melby does not teach or suggest the present invention, and the rejection to amended claim 1 should be withdrawn and passed to issuance.

Claims 2, 6, 11 and 13 are dependent on independent claim 1. Since claim 1 is believed to be patentable for the reasons provided hereinabove, claims 2, 6, 11 and 13 are allowable as depending from a patentable base claim and should be passed to issuance.

35 U.S.C. §103(a) Rejection

Claims 4, 7, 9 and 12 were rejected under 35 U.S.C. 103(a) as being unpatentable over Melby.

Dependent claims 4, 7, 9 and 12 ultimately depend from independent claim 1. Applicant respectfully submits that since claim 1 is believed to be patentable for the reasons provided hereinabove, claims 4, 7, 9 and 12 are allowable as depending from a patentable base claim.

Applicant therefore respectfully requests that the rejections be withdrawn and the claims be passed to issuance.

In view of the foregoing remarks, early favorable action is solicited.

A notice of appeal is also submitted herewith in the event that the Examiner does not find the claims allowable as submitted.

No additional fee is believed to be necessary for the amendments submitted herein.

The Commissioner is authorized to charge any additional fees that may be required for this amendment, or credit any overpayment to Deposit Account No. 50-1628.

In the event that any extension of time may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time that is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 50-1628.

If the Examiner determines that anything is necessary to place the application in better condition for allowance which Examiner believes can be handled via telephone, Applicant respectfully requests that Examiner contact the undersigned attorney at (212) 632-8435 or 212-867-6033. The undersigned may also be contacted by e-mail at mwaldbaum@salans.com.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Maxim H. Waldbaum".

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

1. (Twice Amended) A racket comprising:

a frame with a handle defining a longitudinal main axis;

a head connected to the handle;

said head having parallel longitudinal sides and parallel transversal sides, said sides being firmly connected together at their ends such that each of said sides are substantially inflexible in relation to each other;

said head having a racket face, to be spanned by strings;

said head having a means for securing each of the strings to the frame, such that each of the strings are separately and individually connected to the frame, wherein the tension and/or mass values of said longitudinal strings and said transversal strings are selected so that the vibrational frequencies of each of the strings are equal;

a plurality of transversal strings, all being of substantially identical length, running essentially parallel to each other and generally perpendicular to said longitudinal axis and secured to the frame; and

a plurality of longitudinal strings, all being of substantially identical length, running essentially parallel to each other and parallel to said longitudinal axis and secured to the frame, the transversal strings and longitudinal strings together covering the entire racket face.